

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 17

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEMBKE.

Read 1st time February 14, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0694S.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 25(a) and 25(d) of article V of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the judicial selection process.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2012, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article V of the Constitution of the state of Missouri:

Section A. Sections 25(a) and 25(d), article V, Constitution of Missouri,
2 are repealed and two new sections adopted in lieu thereof, to be known as
3 sections 25(a) and 25(d), to read as follows:

Section 25(a). Whenever a vacancy shall occur in the office of judge of any
2 of the following courts of this state, to wit: The supreme court, the court of
3 appeals, or in the office of circuit or associate circuit judge within the city of St.
4 Louis and Jackson County, the governor shall fill such vacancy by appointing one
5 of **[three] four** persons possessing the qualifications for such office, who shall be
6 nominated and whose names shall be submitted to the governor by a nonpartisan
7 judicial commission established and organized as hereinafter provided. If the
8 governor fails to appoint any of the nominees within **[sixty] thirty** days after the
9 list of nominees is submitted, the nonpartisan judicial commission making the
10 nomination shall **[appoint one of the nominees to fill the vacancy] submit to the**
11 **governor the names of four different people who possess the**
12 **qualifications for such office. If the governor fails to appoint any of the**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 **nominees on the second list within thirty days after this list of**
14 **nominees is submitted, the nonpartisan judicial commission making the**
15 **nomination shall appoint one of the nominees from the second list to**
16 **fill the vacancy.**

Section 25(d). Nonpartisan judicial commissions whose duty it shall be
2 to nominate and submit to the governor names of persons for appointment as
3 provided by sections 25(a)-(g) are hereby established and shall be organized on
4 the following basis: For vacancies in the office of judge of the supreme court or
5 of the court of appeals, there shall be one such commission, to be known as "The
6 Appellate Judicial Commission"; for vacancies in the office of circuit judge or
7 associate circuit judge of any circuit court subject to the provisions of sections
8 25(a)-(g) there shall be one such commission, to be known as "The Circuit
9 Judicial Commission", for each judicial circuit which shall be subject to the
10 provisions of sections 25(a)-(g); **effective on the second Tuesday of January**
11 **2013**, the appellate judicial commission shall consist of [a judge of the supreme
12 court selected by the members of the supreme court, and the remaining] **nine**
13 **members who** shall be chosen in the following manner: The members of the bar
14 of this state residing in each court of appeals district shall elect one of their
15 number to serve as a member of said commission, and the governor shall appoint
16 [one citizen, not a member] **two citizens, not members** of the bar, from among
17 the residents of each court of appeals district, to serve as a member of said
18 commission, and the members of the commission shall select one of their number
19 to serve as chairman. **Those members of the appellate judicial commission**
20 **first appointed by the governor after the second Tuesday of January**
21 **2013 shall serve terms of four years. Upon the expiration of the terms**
22 **of office of the members who were appointed by the governor to the**
23 **appellate judicial commission prior to the second Tuesday of January**
24 **2013, the member appointed by the governor to fill the next vacancy**
25 **shall serve a term of four years, the member appointed by the governor**
26 **to fill the second vacancy shall serve a term of two years, the member**
27 **appointed by the governor to fill the third vacancy shall serve a term**
28 **of four years. Thereafter, each member appointed by the governor to**
29 **the appellate judicial commission shall serve four-year terms. Effective**
30 **on the second Tuesday of January 2013**, each circuit judicial commission
31 shall consist of [five] **seven** members, [one of whom shall be the chief judge of
32 the district of the court of appeals within which the judicial circuit of such

33 commission, or the major portion of the population of said circuit is situated and
34 the remaining four members] **who** shall be chosen in the following manner: The
35 members of the bar of this state residing in the judicial circuit of such commission
36 shall elect two of their number to serve as members of said commission, and the
37 governor shall appoint **[two] five** citizens, not members of the bar, from among
38 the residents of said judicial circuit to serve as members of said commission, the
39 members of the commission shall select one of their number to serve as chairman;
40 and the terms of office of the members of such commission shall be fixed by law,
41 but no law shall increase or diminish the term of any member then in office. No
42 member of any such commission [other than a judge] shall hold any public office,
43 and no member shall hold any official position in a political party. Every such
44 commission may act only by the concurrence of a majority of its members. The
45 members of such commission shall receive no salary or other compensation for
46 their services but they shall receive their necessary traveling and other expenses
47 incurred while actually engaged in the discharge of their official duties. All such
48 commissions shall be administered, and all elections provided for under this
49 section shall be held and regulated, under such rules as the supreme court shall
50 promulgate.

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Bill
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